



477 U.S. 317, 322 (1986). The burden on the party moving for summary judgment "is only to demonstrate . . . that the record does not disclose a genuine dispute on a material fact." City of Mt. Pleasant, Iowa v. Associated Elec. Co-Op., 838 F.2d 268, 273 (8th Cir. 1988).

Once the moving party has done so, the burden shifts to the nonmoving party to go beyond his pleadings and show, by affidavit or by "depositions, answers to interrogatories, and admissions on file," that there is a genuine issue of fact to be resolved at trial. Celotex, 477 U.S. at 323. Evidence of a disputed factual issue which is merely colorable or not significantly probative, however, will not prevent entry of summary judgment. Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986).

Nevertheless, summary judgment, "is an extreme remedy, to be granted only if no genuine issue exists as to any material fact." Hass v. Weiner, 765 F.2d 123, 124 (8th Cir. 1985). In ruling on a motion for summary judgment, this court must view all facts in a light most favorable to the nonmoving party, and that party must receive the benefit of all reasonable inferences drawn from the facts. Robinson v. Monaghan, 864 F.2d 622, 624 (8th Cir. 1989).

At this stage of the proceedings, the record is not sufficiently developed for the court to determine whether there are genuine issues of material fact for trial. Plaintiff, however, must receive the benefit of all reasonable inferences drawn from the facts set forth in the complaint, and thus, summary judgment is not currently warranted. After some discovery has occurred, the parties may find it appropriate to file additional dispositive motions and suggestions in accord with the rules and the scheduling order.

It is for these reasons

ORDERED that the motion of defendant Archetype Design Group, Inc., of October 17, 2007, for summary judgment is denied. [23]

Dated this 19<sup>th</sup> day of December, 2007, at Jefferson City, Missouri.

/s/ William A. Knox

WILLIAM A. KNOX  
United States Magistrate Judge